

EXHIBIT "A"

Law Office of Shmuel Klein, PC
Attorneys and Counselors at Law

268 West Route 59
Spring Valley, NY 10977
845-425-2510
fax-845-425-7362
Federal Court Only
shmuel.klein@verizon.net

113 Cedarhill Ave.
Mahwah, NJ 07430
201-529-3411
State & Federal Court

November 28, 2007

Hon. Stephen C. Robinson
U.S. District Court
300 Quarropas St.
White Plains, NY 10601

RE: David Shatz v. Law Office of Linda strumpf, Esq.
Case No: 07-CV-7129

Honorable Judge Robinson:

I am in receipt of Defendant Linda Strumpf's Motion to Dismiss in the above referenced matter. Defendant's Motion is in violation of the Practices of Your Honor, as Ms. Strumpf failed to make a pre-motion conference before filing her Motion.

Defendant asserts that she was never served in this matter. Defendant first states that she moved on August 15, 2007 and therefore did not receive the Notice of Lawsuit and Request for Service of Process in this action, which was mailed to her by my office on August 13, 2007 via USPS regular and certified mail to the then New York address at 111 John St., RM 800, New York, New York 10038.

Defendant attaches a printout from the New York State Unified Court System website, which was printed on November 26, 2007. My office obtained a printout from the same website, on July 23, 2007, showing the address on John Street in NYC (See exhibit "A" attached hereto). Defendant is a large debt collection law firm, suing consumers on behalf of collection agencies. Even if it is true that Defendant moved to a different office, in South Salem, NY, on August 15, 2007, upon information and belief she had the mail forwarded to her new address, or that she still picked up the mail at the current address, given the volume of business Defendant transacts. Defendant received the Summons and Complaint sent with the Notice of Lawsuit and Request for Waiver of Service of Process, but deliberately ignored it.

Defendant further contends that the corporation "Linda Strumpf, Inc." is out of business as it was dissolved several years ago. She stated that Law Office of Linda Strumpf, Esq. never did business as Linda Strumpf incorporated and therefore the secretary of state was not authorized to accept service of process on her behalf as an attorney. However, the Secretary of State did in fact mail the summons and complaint to a valid address of Defendant, in New Haven, CT. In fact, Plaintiff mailed the application for Default Judgment to the same address and Defendant was quick in responding thereto. Defendant cannot deny knowledge of the lawsuit against her.

Defendant also asserts that the Judgment she obtained against Plaintiff is a valid state court judgment and cannot be dismissed in Federal Court, therefore the Plaintiff has failed to state a claim in this action, and this case must be dismissed. However, contrary to Defendants claims, Defendant obtained a Judgment against Plaintiff and placed a restraint on Plaintiff's bank account. Plaintiff was never served in that action, never informed of collection efforts against him. Plaintiff is without knowledge as to whom he owed any money, and what the nature of such claim is. Plaintiff first became aware of such a lawsuit, and a Judgment against him when he received a notice from his bank that his account was frozen. The notice states that Linda Strumpf, Esq. requested the freeze. (See Exhibit "B" attached hereto) The Judgment was obtained in Bronx Court; Plaintiff resides in Rockland County. This is a wrong venue, in violation of FDCPA, 15 U.S.C. 1692i(a)(2).

Prior to filing this action, my office called and corresponded with Defendant office numerous times, (See exhibit "C" attached hereto.) My office informed Linda Strumpf that the Mr. Shatz was never served. My office repeatedly asked Linda Strumpf to produce the proof of service, the summons, and complaint. My office let Strumpf know that she would be sued should she fail to comply with our reasonable requests. Defendant failed to comply, therefore Plaintiff filed this action.

The basis of this action is not to seek to remove the State Court Judgment, but rather to obtain relief for the numerous blatant willful violations of the FDCPA committed by Strumpf, which also resulted in her obtaining the Judgment. Strumpf did not send Plaintiff a validation notice, ever, before she filed the lawsuit against Plaintiff.

The instant cause of action is that the Defendants brought a lawsuit when she had no right to do so, under the FDCPA. Upon information and belief, Plaintiff did not receive a 30-day notice, as required by 15 U.S.C. § 1692g(a). The FDCPA violation occurred not out of the lawsuit or its outcome against Plaintiff, but rather their collection practice, their inaction, failure to comply with the FDCPA, BEFORE the lawsuit was filed. The numerous violations are per se violation of the FDCPA.

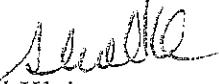
Plaintiff is not seeking an appeal of the Judgment, or a direct review of the proceedings in the State Court case. Plaintiff brought this action for a violation of a Federal Law, the FDCPA.

This action is indeed well grounded and brought in good faith, Defendant was served, she received the Notice and Waiver sent by Plaintiff and documents sent by the Secretary of State. Strumpf willfully failed to Answer the Complaint.

Plaintiff respectfully prays that Your Honor deny Defendant's motion to dismiss the Complaint and enter a Default Judgment in favor of Plaintiff.

Based upon the above, it is further requested that Ms. Strumpf withdraw her motion pursuant to Rule 11.

Respectfully,

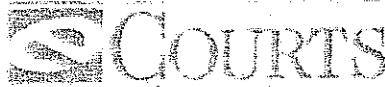


Shmuel Klein

/za

Enclosures

cc: Linda Strumpf, Esq


[Welcome](#)
[Attorney Search](#)
[Resources](#)
[Attorney Registration](#)
[E-Courts](#)
[Contact Us](#)


Attorney Detail

as of 07/23/2007
Registration Number: 1327402

LINDA A. STRUMPF
 LINDA STRUMPF ATTORNEY AT LAW
 111 JOHN ST RM 800
 NEW YORK, NY 10038-3180
 United States
 (212) 566-6800

Year Admitted in NY: 1976
Appellate Division
Department of
Admission: 2
Law School: FORDHAM
Registration Status: Currently registered
Next Registration: Dec 2008

The Detail Report above contains information that has been provided by the attorney listed, with the exception of REGISTRATION STATUS, which is generated from the OCA database. Every effort is made to insure the information in the database is accurate and up-to-date.

The good standing of an attorney and/or any information regarding disciplinary actions must be confirmed with the appropriate Appellate Division Department. Information on how to contact the **Appellate Divisions** of the Supreme Court in New York is available at www.nycourts.gov/courts

If the name of the attorney you are searching for does not appear, please try again with a different spelling. In addition, please be advised that attorneys listed in this database are listed by the name that corresponds to their name in the Appellate Division Admissions file. There are attorneys who currently use a name that differs from the name under which they were admitted. If you need additional information, please contact the NYS Office of Court Administration, Attorney Registration Unit at 212-428-2800

[Courts](#)
[Laws & Rules](#)
[Attorneys](#)
[Courts](#)



North Fork Bank

6/04/2007
 10:29 AM
 DAVID S SHATZ
 66 MAIN ST
 MONSEY NY 10522-3011

Dear Depositor(s):

North Fork Bank has recently received a legal process that may affect any or all of the following types of accounts you may have: checking, savings, certificate of deposit, safe deposit box, loan

Restraining Notice with Information Subpoena:

A Hold has been placed on your account(s) as indicated by the following attorney:

Expires	6-04-08	HOLD	\$14,370.16	RESTRAINT/LINDA STRUMPF	VS-DS
Entered	6-04-07			I#106563/06 212-566-6800	JM

The Bank is required to hold up to twice the amount of the judgement debt from your account(s) and to respond to questions on the information subpoena with regard to balances, and any loan information.

One of the following is necessary in order to release the restraint:

- (1) the bank receives written release from the restraining attorney,
- (2) the funds are withdrawn to satisfy judgement in full, pursuant to a levy,
- (3) released as per court order or
- (4) The restraining notice expires in one years time

Please be advised if sufficient funds were available, a \$100.00 legal processing fee has been deducted from your account according to NFB's schedule of fees. You may access funds over the amount restrained, however, ATM, telephone transfer and automatic debits will be restricted until the account has been released.

The bank is legally required to comply with this process. A court order or written release from the law firm or agency is required to cease this action. As we do not give out legal advice, please refer any questions to your attorney or to the firm or agency listed above.

Very truly yours

North Fork Bank
 Operation Services/Legal Notice Processing Dept

Exhibit 'B'

* * * Transmission Result Report (MemoryTX) (Jun 11 2007 11:45AM) * * *

File No	Mode	Destination	Page(s)	Result	Page Not Sent
3175	Memory TX	912125666808	P 1	OK	

Reason for error

1) Hang up or line fail
 2) Busy
 3) No answer
 4) No facsimile connection

LAW OFFICE OF SHMUEL KLEIN, PC
 268 WEST ROUTE 59
 SPRING VALLEY, NY 10577
 845-425-2510
 Federal Courts Only

113 CEDARHILL AVE.
 MAHWAH, NJ 07430
 201-529-2411
 State & Federal Courts

June 11, 2007

To Law Office of Linda Strumpf
 212-566-6808

RE: David Shatz
 I#10659/06

Dear Hal Siegal,

Please take notice that I have been retained by David Shatz regarding the above referenced matter.

Demand is made for the validation of the alleged debt. Please telefax the underlying documents as soon as possible. Thank you.

Sincerely,

 Shmuel Klein

cc David Shatz

* * * Transmission Result Report (MemoryTX) (Jun 13 2007 1:54PM) * * *

File No	Mode	Destination	Page(s)	Result	Page Not Sent
3232	Memory TX	912125666808	P 1	OK	

Reason for error

E 1) Hang up or line fail	E 2) Busy
E 3) No answer	E 4) No facsimile connection

LAW OFFICE OF SHMUEL KLEIN, PC

268 WEST ROUTE 59
SPRING VALLEY, NY 10577
845-425-2510
Federal Court Only

113 CEDARHILL AVE.
MAHWAH, NJ 07430
201-529-3411
State & Federal Courts

June 11, 2007

To Law Office of Linda Strumpf
212-566-6808

RE: David Shatz
I#10659/06

Dear Hal Siegal,

Please take notice that I have been retained by David Shatz regarding the above referenced matter.

Demand is made for the validation of the alleged debt. Please telefax the underlying documents as soon as possible. Thank you.

Sincerely,

Shmuel Klein

cc David Shatz

2d request

LAW OFFICE OF SHMUEL KLEIN, PC

268 WEST ROUTE 59
SPRING VALLEY, NY 10977
845-425-2510
Federal Courts Only

113 CEDARHILL AVE.
MAHWAH, NJ 07430
201-529-3411
State & Federal Courts

June 11, 2007

To Law Office of Linda Strumpf
212-566-6808

RE: David Shatz
I#10659/06

Dear Hal Siegal,

Please take notice that I have been retained by David Shatz regarding the above referenced matter.

Demand is made for the validation of the alleged debt. Please telefax the underlying documents as soon as possible. Thank you.

Sincerely,
Shmuel Klein

cc David Shatz

2d leg 6/1

Law Office of Shmuel Klein, PC
Attorneys and Counselors at Law

268 West Route 59
Spring Valley, NY 10977
845-425-2510
fax-845-425-7362
Federal Court Only
shmuel.klein@verizon.net

113 Cedarhill Ave.
Mahwah, NJ 07430
201-529-3411
State & Federal Court

July 25, 2007

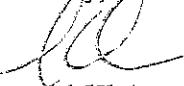
Law Office of Linda Strumpf
Via Facsimile
212-566-6808
111 John St., RM 800
New York, New York 10038-3180

RE: David Shatz
I#10659/06

Dear Ms. Strumpf:

I have sent you a validation demand regarding the above referenced matter, on June 11, 2007. I again faxed you the demand letter on June 13, 2007. You have failed to respond and validate the debt. Please take notice that I am prepared to file a lawsuit against you in this matter, on behalf of my client, Mr. Shatz.

Sincerely,


Shmuel Klein
/za

* * * Transmission Result Report (MemoryTX) (Jul 25 2007 2:28PM) * * *

File No	Mode	Destination	Page(s)	Result	Page Not Sent
3956	Memory TX	912125666808	P 2	OK	

Reason for error
 1) Hang up or line fail
 2) Busy
 3) No answer
 4) No facsimile connection

Law Office of Samuel Klein, PC
 Attorneys and Counselors at Law

268 Rte 59 Spring Valley, NY 10587
 Phone (845) 425-2510
 Fax (845) 425-7362

115 Cedarhurst Ave., Mineola, NY 11501
 Phone (516) 533-3453

FAX

This message is intended only for the use of the addressee and may contain information that is privileged and/or confidential. If you are not the intended recipient, you are hereby notified that any dissemination of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to this office or the above address via US Postal Service. Thank you.

Date: 7/25/2007

To: Linda Stumpf
 Company: Legal Office of Linda Stumpf
 Phone:
 Fax: 212-566-6808
 From: Zha

Pages including this cover sheet: 2

Please Print Please Review Please Comment Please Reply

Special Instructions or Comments:

Law Office of Shmuel Klein, PC
Attorneys and Counselors at Law

168 Rt59 Spring Valley, NY 10577
Phone (845) 425-2510
Fax (845) 425-7362

113 Cedar Hill Ave., Mahwah, NJ 07430
Phone (201) 529-3411

Fax

This message is intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to this office or the above address via US postal Service. Thank you.

Date: 7/25/2007

To: Linda Starnoff
Company: Law Office of Linda Starnoff
Phone:
Fax: 212-526-6808
From: Zina

Pages Including this cover sheet: 2

Urgent

For Review

Please Comment

Please Reply

Special Instructions or Comments:

LINDA STRUMPF
ATTORNEY AT LAW

Admitted to practice:
New York
New Jersey
Connecticut

YORK OFFICE
111 JOHN STREET
NEW YORK, NY 10038
TEL: (212) 566-6800
FAX: (212) 566-6808

NEW JERSEY OFFICE
39 HAMILTON STREET
NEWARK, NJ 07102
TEL: (973) 624-2121
FAX: (973) 624-7550

CONNECTICUT OFFICE
244 COLONIAL ROAD
NEW CANAAN, CT 06840
TEL: (203) 968-8555
FAX: (203) 968-8886

July 25 2007

Shmuel Klein Esq.
Law Office of Shmuel Klein P.C.
268 West Route 59
Spring Valley, NY 10977

Re: U.S. Equities Corp. v. David Shatz
Index No. 106569/06

Dear Mr. Klein:

I am in receipt of your letter dated July 25 2007. My office has called your office a number of times and left a message after each call. You have admitted that you received our calls, yet you threaten legal action against us for failing to respond to your letter. Such legal action would clearly warrant Rule 11 sanctions.

As we advised you, your client was first contacted by this office on or about May 11, 2006, which letter contained the following statement/notice:

"Unless, within thirty days after receipt of this notice, you dispute the validity of the debt, or any portion thereof, the debt will be assumed valid. If you notify us in writing within the thirty day period that the debt, or any portion thereof is disputed, we will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. Upon your written request within the thirty day period, we will provide you with the name and address of the creditor, if different from the current creditor. This is an attempt to collect the debt and any information will be used for that purpose."

Your client failed to contact us after receiving our first written notice; and thus, we commenced a valid legal action against, and a judgment was taken against him.

Of course, since your client failed to contact us and request verification of the debt after our initial notice to him, we were permitted to proceed against him.

In response to your inquiry, U.S. Equities Corp. is the successor in interest to Providian National Bank, Account No. 4465682100685270. If you wish to discuss a resolution of this matter, please contact me at 212-566-6800 extension 120.

Jul 25 2007 4:05PM  LASERJET FAX

p. 3

2

LINDA STRUMPF
ATTORNEY AT LAW

This is an attempt to collect this debt, and any information obtained will be
used for that purpose

Very truly yours,

LINDA STRUMPF
ATTORNEY-AT-LAW

By: 

Hal Siegel
Office Administrator

Fax - 845-425-7362

Our File No. 57395

Admitted to practice:
 New York
 New Jersey
 Connecticut

LINDA STRUMPF
 ATTORNEY AT LAW

CONNECTICUT OFFICE
 244 COLONIAL ROAD
 NEW CANAAN, CT 06840
 TEL: (203) 966-8553
 FAX: (203) 966-8886

NEW JERSEY OFFICE
 39 HAMILTON STREET
 NEWARK, NJ 07102
 TEL: (973) 624-2121
 FAX: (973) 624-7550

TELECOPIER COVER SHEET

FAX NOS.: (212) 566-6808
 (203) 966-8886
 (973) 624-7550

NEW YORK OFFICE
 111 JOHN STREET
 SUITE 800
 NEW YORK NY 10038
 TEL: (212) 566-6808
 FAX: (212) 566-6808

Date: July 25 2007

Transmission Fax #: 845-425-7362

PLEASE DELIVER THE FOLLOWING PAGES TO:

From
Name:

Shmuel Klein P.C.

Firm: Law Office of Shmuel Klein P.C.

To **From:**

LINDA STRUMPF, Attorney-At-Law

You will receive 3 pages of copy, INCLUDING THIS COVER SHEET

If there are any transmission errors, please call back at 1-212-566-6800.

The pages which follow are confidential and/or privileged. They are intended solely for the person to whom this cover sheet is addressed. Any review, reproduction or retransmission of such material by any person other than such addressee is unauthorized. If this cover sheet and the pages which follow have been received at your location in error, please notify the operator by telephone (collect) at the number set forth above and return the material by U.S. First Class Mail without inspection. We will reimburse your postage. Thank you for your cooperation.

Message

*Where is the summons, complaint certificate
 of service and your supposed demand letters?
 Failure to supply may result in filing the law suit.*

TL

* * * Transmission Result Report (MemoryTX) (Jul 26, 2007 10:21AM) * * *

P 1

File

No Mode

Destination

Pg(s)

Result

Page

Not Sent

3969 Memory TX

912125666808

P 1

OK

Reason for error

1) Hang up or line fail
 2) Busy
 3) No answer

E 2) Busy
E 4) No facsimile connection

Jul 26 2007 4:05PM HP LASERJET FAX

P 2

domestic offices:
New York
New Jersey
ConnecticutLINDA STRUMPF
ATTORNEY AT LAWCONNECTICUT OFFICE
20 COLONIAL ROAD
NEW CANAAN, CT 06840
TEL: (203) 835-3535
FAX: (203) 835-3535NEW JERSEY OFFICE
39 HAMILTON STREET
NEWARK, NJ 07105
TEL: (973) 624-2121
FAX: (973) 624-7050NEW YORK OFFICE
171 JOHN STREET
SUITE 200
NEW YORK, NY 10038
TEL: (212) 596-4900
FAX: (212) 596-4900

Date: July 25 2007

TELECOPIER COVER SHEET

FAX NOS.: (212) 566-5808
(203) 966-8386
(973) 624-7550Transmission Fax #: 845-425-7362
PLEASE DELIVER THE FOLLOWING PAGES TO:

From Name: Shmuel Klein P.C.

Fax: Law Office of Shmuel Klein P.C.
TO: LINDA STRUMPF, Attorney-At-LawYou will receive 3 pages of copy. INCLUDING THIS COVER SHEET.
If there are any transmission errors, please call back at 1-212-566-5800.

The pages which follow are confidential and/or privileged. They are intended solely for the person to whom this cover sheet is addressed. Any review, reproduction or retransmission of such material by any person other than such addressee is unauthorized. If this cover sheet and the pages which follow have been received at your location in error, please notify the operator by telephone (collect), at the number set forth above and return the material by U.S. First Class Mail without inspection. We will reimburse your postage. Thank you for your cooperation.

Message

Where is the summons, complaint certificate of service and your supposed demand letters?
Failure to supply my records in writing in law suit.

* * * Transmission Result Report (Memory TX) (Jul 27 2007 3:51PM) * * *

File

No	Mode	Destination	Pg(s)	Result	Page Not Sent
4025	Memory TX	912125666808	P 1	OK	

Reason for error

E-1) Hang up or line fail
 E-3) No answer

E-2) Busy

E-4) No facsimile connection

Jul 27 2007 2:11PM HP LASERJET FAX

P-2

LINDA STRUMPF
ATTORNEY AT LAW

Administrator
New York
New Jersey
Connecticut

July 28 2007

Shmuel Klein Esq.
Law Office of Shmuel Klein P.C.
268 West Route 59
Spring Valley, NY 10587

Re: U.S. Equities Corp. v. David Shatz
Index No. 106569/06

Dear Mr. Klein:

To the best of my knowledge, I have not committed any violation of any law. If you claim that I committed a violation, please specifically advise what that violation is. Otherwise, if you wish to resolve this debt, please call Mr. Hal Siegel at extension 120.

This is an attempt to collect this debt, and any information obtained will be used for that purpose.

Very truly yours,

Linda Strumpp
LINDA STRUMPF

Fax - 845-426-7362

Our File No. 57395

NEW YORK OFFICE
111 JOHN STREET
NEW YORK, NY 10038
TEL: (212) 936-8200
FAX: (212) 936-8204

NEW JERSEY OFFICE
30 HAMILTON STREET
NEWARK, NJ 07102
TEL: (973) 624-2121
FAX: (973) 624-7520

CONNECTICUT OFFICE
200 COLONIAL ROAD
NEW CANAAN, CT 06840
TEL: (203) 968-5656
FAX: (203) 968-4986

1692 (i)

RL